

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Freddie L. Dillard,

No. 23-cv-2383 (KMM/DTS)

Petitioner,

**ORDER**

v.

State of Minnesota, *et al.*,

Respondent.

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Petitioner Freddie Dillard filed a petition seeking a writ of habeas corpus relating to his conviction in Minnesota state court. United States Magistrate Judge David T. Schultz issued a Report and Recommendation (“R&R”) on August 14, 2023 recommending that the Petition be dismissed without prejudice for lack of jurisdiction because Mr. Dillard has not received the required authorization from the Eighth Circuit to bring a successive petition. The deadline for Mr. Dillard to file objections to the R&R was August 28, 2023, and none have been submitted.

The Court reviews de novo any portion of the R&R to which specific objections are made. 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2(b). In the absence of objections, the Court reviews the R&R for clear error. *Nur v. Olmsted County*, 563 F. Supp. 3d 946, 949 (D. Minn. 2021) (citing Fed. R. Civ. P. 72(b) and *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam)). Based on a careful review of the record, the Court finds that Judge Schultz committed no error, clear or otherwise.

Accordingly, the Court enters the following ORDER.

1. The Report and Recommendation [Doc. 3] is ACCEPTED.
2. The Petition [Doc. 1] is DISMISSED WITHOUT PREJUDICE for lack of jurisdiction.
3. The application to proceed *in forma pauperis* [Doc. 2] is DENIED.
4. No certificate of appealability is issued.

**Let Judgment Be Entered Accordingly.**

Date: **November 13, 2023**

s/ Katherine M. Menendez

Katherine M. Menendez

United States District Judge